

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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DATE FILED: 3/31/2022

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**JENNIFER BAWDEN,**

**Plaintiff,**

**-against-**

**DAVID K. TOWNES.,**

**Defendant.**  
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**1:19-CV-8034-ALC-OTW**

**ORDER ADOPTING  
REPORT AND  
RECOMMENDATION**

**ANDREW L. CARTER, JR., District Judge:**

On December 5, 2019, this matter was referred to United States Magistrate Judge Ona T. Wang for General Pretrial and Specific Non-Dispositive Motion/Dispute (the Motion for Contempt at ECF No. 17). ECF No. 27. The Court now considers a Report and Recommendation (R&R) dated September 30, 2021 issued by Judge Wang recommending that Defendant's answer be stricken from the record and that Plaintiff shall be directed to file a motion for default within 30 days. For the reasons stated herein, the Court adopts the R&R in full.

As detailed in the background section of the R&R, Defendant has failed to comply with its Rule 26 discovery obligations, to follow court orders, and to appear at conferences before Judge Wang. On April 8, 2021, Judge Wang issued an Order to Show Cause why Defendant's answer should not be stricken for failure to comply with Rule 16(a) and Rule 26(a)(1) of the Federal Rules of Civil Procedure. To date, Defendant has not responded to the Order to Show Cause.

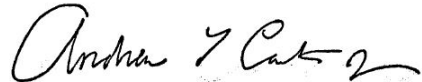
Despite notification of the right to object to the R&R, Plaintiff has filed no objections. After nearly six months, Plaintiff has not sought an extension to object. Where no timely objections are made, the Court may adopt the R&R so long as there is no clear error on the face of the record.

*Sacks v. Gandhi Eng'g, Inc.*, 999 F.Supp.2d 629, 632 (S.D.N.Y. 2014) (citing *Wilds v. United Parcel Serv.*, 262 F.Supp.2d 163, 169 (S.D.N.Y.2003)). The Court does not find any clear error.

Because of the lack of any objections to the R&R and the fact that the Court finds no clear error in the record, the Court hereby **ADOPTS** the R&R in full. Accordingly, Plaintiff shall proceed with the default process as set forth in the R&R. Plaintiff is directed to serve a copy of this R&R on Defendant and file proof of service no later than **April 5, 2022**.

**SO ORDERED.**

**Dated:**           **New York, New York**  
                      **March 31, 2022**

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", is positioned above a horizontal line.

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**ANDREW L. CARTER, JR.**  
**United States District Judge**